

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

VIOLATION OF LICENSE PROVISIONS

257.324 Prohibited conduct; void or canceled license.

Sec. 324. (1) A person shall not do any of the following:

(a) Display, or cause or permit to be displayed, or have in possession an operator's or chauffeur's license knowing the operator's or chauffeur's license to be fictitious or to have been canceled, revoked, suspended, or altered.

(b) Lend to or knowingly permit use of, by one not entitled to its use, the operator's or chauffeur's license issued to the person lending or permitting the use of the operator's or chauffeur's license.

(c) Display or to represent as one's own any operator's or chauffeur's license not issued to the person displaying the operator's or chauffeur's license.

(d) Fail or refuse to surrender to the department upon demand, any operator's or chauffeur's license which has been suspended, canceled, or revoked as provided by law.

(e) Use a false or fictitious name or give a false or fictitious address in an application for an operator's or chauffeur's license, or any renewal or duplicate of an operator's or chauffeur's license, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in making an application.

(f) Alter or otherwise cause to be altered any operator's or chauffeur's license so as to knowingly make a false statement or knowingly conceal a material fact in order to misrepresent as one's own the operator's or chauffeur's license.

(g) Use or have in possession in committing a crime an operator's or chauffeur's license that has been altered or that is used to knowingly make a false statement or to knowingly conceal a material fact in order to misrepresent as one's own the operator's or chauffeur's license.

(h) Furnish to a peace officer false, forged, fictitious, or misleading verbal or written information identifying the person as another person, if the person is detained for a violation of this act or of a local ordinance substantially corresponding to a provision of this act.

(i) Commit fraud related to the testing for or issuance of a commercial driver license or permit.

(j) Fail to schedule a retest appointment within 30 days after receiving the secretary of state's retest notification.

(2) An operator's or chauffeur's license issued to a person under this chapter upon an application that is untrue, or that contains false statements as to any material matters, or that was obtained by fraud in the testing for or issuance of the license, is void from the date of issuance. The operator or chauffeur who was issued the license is considered unlicensed and the license issued shall be returned upon request or order of the department. A person whose commercial driver license application is voided or canceled under this subsection, including as required under 49 CFR part 383, shall not reapply for a commercial driver license except as follows:

(a) Not sooner than 60 days after an application is voided or canceled.

(b) If the person obtained the license by fraud in the testing for or issuance of the commercial driver license or commercial learner's permit, not sooner than 365 days after the permit or license is canceled.

(c) If the person failed to schedule a retesting for a new commercial learner's permit or commercial driver license within 30 days after receiving the notification by the secretary of state for retesting, until the driver meets the department's requirements for applying for a new commercial learner's permit or commercial driver license.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959;—Am. 1967, Act 17, Eff. Nov. 2, 1967;—Am. 1985, Act 79, Eff. Oct. 1, 1985;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2015, Act 11, Eff. July 8, 2015.

257.325 Causing or permitting unlicensed minor to drive.

Sec. 325. It shall be unlawful for any person to cause or knowingly permit any minor to drive a motor vehicle upon a highway as an operator, unless the minor has first obtained a license to drive a motor vehicle under the provisions of this chapter.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1972, Act 49, Imd. Eff. Feb. 19, 1972.

257.326 Operation of vehicle in violation of act; owner's permission prohibited.

Sec. 326. No person shall knowingly authorize or permit a motor vehicle owned by him or under his control to be driven by any person in violation of any of the provisions of this act.

History: 1949, Act 300, Eff. Sept. 23, 1949.

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Page 1

Michigan Compiled Laws Complete Through PA 471 of 2016

257.327 Unlicensed chauffeur; employment prohibited.

Sec. 327. No person shall knowingly employ any chauffeur to operate a motor vehicle who is not licensed as provided in this chapter.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.328 Producing evidence of motor vehicle insurance upon request of police officer; violation as civil infraction; electronic copy; certificate of insurance as prima facie evidence that insurance in force; contents; presentation of proof of insurance to court; civil infraction determination; surrendering license unless proof of insurance submitted to court; suspension of license by secretary of state; order; fee; renewal, transfer, or replacement of registration plate; producing false evidence as misdemeanor; penalty; points; section inapplicable to owner or operator of motor vehicle registered in other state or foreign country or province.

Sec. 328. (1) The owner of a motor vehicle who operates or permits the operation of the motor vehicle upon the highways of this state or the operator of the motor vehicle shall produce, under subsection (2), upon the request of a police officer, evidence that the motor vehicle is insured under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. Subject to section 907(15), an owner or operator of a motor vehicle who fails to produce evidence of insurance upon request under this subsection or who fails to have motor vehicle insurance for the vehicle as required under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, is responsible for a civil infraction. If a person displays an electronic copy of his or her certificate of insurance using an electronic device, the police officer shall only view the electronic copy of the certificate of insurance and shall not manipulate the electronic device to view any other information on the electronic device. A person who displays an electronic copy of his or her certificate of insurance using an electronic device as provided in this subsection shall not be presumed to have consented to a search of the electronic device. A police officer may require the person to electronically forward the electronic copy of the certificate of insurance to a specified location provided by the police officer. The police officer may then view the electronic copy of the certificate of insurance in a setting in which it is safe for the officer to verify that the information contained in the electronic copy of the certificate of insurance is valid and accurate. This state, a law enforcement agency, or an employee of this state or a law enforcement agency is not liable for damage to or loss of an electronic device that occurs as a result of a police officer's viewing an electronic copy of a certificate of insurance in the manner provided in this section, regardless of whether the police officer or the owner or operator of the vehicle was in possession of the electronic device at the time the damage or loss occurred.

(2) A certificate of insurance, in paper or electronic form and issued by an insurance company, that certifies that the security that meets the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is in force is prima facie evidence that insurance is in force for the motor vehicle described in the certificate of insurance until the expiration date shown on the certificate. The certificate, in addition to describing the motor vehicles for which insurance is in effect, must, if applicable, state the name of each person named on the policy, policy declaration, or a declaration certificate whose operation of the vehicle would cause the liability coverage of that insurance to become void.

(3) If, before the appearance date on a citation issued under subsection (1), the defendant submits proof to the court that the motor vehicle had insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, at the time the violation of subsection (1) occurred, all of the following apply:

- (a) The court shall not assess a fine or costs.
- (b) The court shall not forward an abstract of the court record to the secretary of state.
- (c) The court may assess a fee of not more than \$25.00, which shall be paid to the court funding unit.

(4) If an owner or operator of a motor vehicle is determined to be responsible for a violation of subsection (1), the court in which the civil infraction determination is entered may require the person to surrender his or her operator's or chauffeur's license unless proof that the vehicle has insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the court. If the court requires the license to be surrendered, the court shall order the secretary of state to suspend the person's license. The court shall immediately destroy the license and shall forward an abstract of the court record to the secretary of state as required by section 732. Upon receipt of the abstract, the secretary of state shall suspend the person's license beginning with the date on which the person is determined to be responsible for the civil infraction for a period of 30 days or until proof of insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and

500.3102, is submitted to the secretary of state, whichever occurs later. A person who submits proof of insurance to the secretary of state under this subsection shall pay a service fee of \$25.00 to the secretary of state. The person shall not be required to be examined under section 320c and shall not be required to pay a replacement license fee.

(5) If an owner or operator of a motor vehicle is determined to be responsible for a violation of subsection (1), the court in which the civil infraction determination is entered shall notify the secretary of state of the vehicle registration number and the year and make of the motor vehicle being operated at the time of the violation. A notification under this subsection shall be made on the abstract or on a form approved by the supreme court administrator. Upon receipt, the secretary of state shall immediately enter this information in the records of the department. The secretary of state shall not renew, transfer, or replace the registration plate of the vehicle involved in the violation or allow the purchase of a new registration plate for the vehicle involved in the violation until the owner meets the requirements of section 227a or unless the vehicle involved in the violation is transferred or sold to a person other than the owner's spouse, mother, father, sister, brother, or child.

(6) An owner or operator of a motor vehicle who knowingly produces false evidence under this section is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not more than \$1,000.00, or both.

(7) Points shall not be entered on a driver's record under section 320a for a violation of this section.

(8) This section does not apply to the owner or operator of a motor vehicle that is registered in a state other than this state or a foreign country or province.

History: Add. 1980, Act 459, Imd. Eff. Jan. 15, 1981;—Am. 1995, Act 287, Imd. Eff. Jan. 9, 1996;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2015, Act 135, Eff. Jan. 5, 2016.

257.329 Possessing, selling, or offering for sale a stolen, false, or counterfeit certificate of insurance; penalty.

Sec. 329. (1) A person who knowingly possesses, sells, or offers for sale a stolen, false, or counterfeit certificate of insurance is guilty of a felony.

(2) A person who is convicted of a second violation of this section shall be punished by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than \$1,500.00 or more than \$7,000.00, or both.

(3) A person who is convicted of a third or subsequent violation of this section shall be punished by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than \$5,000.00 or more than \$15,000.00, or both.

History: Add. 1992, Act 309, Eff. Mar. 31, 1993.